

E-Filed on 02/12/08

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11 Cases

Judge Linda B. Riegler

**USACM LIQUIDATING
TRUST'S EX PARTE MOTION
FOR ORDER SHORTENING
TIME TO HEAR MOTION TO
COMPEL HOMES FOR
AMERICA HOLDINGS, INC.
("HFAH"); ONE POINT
STREET, INC.; COLT
GATEWAY, LLC; HFAH
CLEAR LAKE, LLC; ST.
TROPEZ-HOMES FOR
AMERICA HOLDINGS, LLC
F/K/A RIVIERA-HFAH, LLC;
ST. CHARLES TOWNHOMES
PARTNERS, LP; BEAU RIVAGE
HOMES FOR AMERICA, LLC;
ST. CHARLES HOMES FOR
AMERICA, INC.; RIVIERA-
HOMES FOR AMERICA
HOLDINGS, LLC F/K/A ST.
RAPHEAL-HOMES FOR
AMERICA, LLC; AND
MEDITERRANEE-HFA, LLC**

**F/K/A HFAH-MONACO, LLC
TO COMPLY WITH
SUBPOENAS FOR
PRODUCTION OF
DOCUMENTS**

Hearing Date: OST REQUESTED
for February 21, 2008.

Hearing Time: OST REQUESTED
for 9:30 AM

The USACM Liquidating Trust (the “USACM Trust”) hereby files this Ex Parte Motion for Order Shortening Time to Hear USACM Liquidating Trust’s Motion to Compel Homes for America Holdings, Inc. (“HFAH”); One Point Street, Inc.; Colt Gateway, LLC; HFAH Clear Lake, LLC; St. Tropez-Homes for America Holdings, LLC f/k/a Riviera-HFAH, LLC; St. Charles Homes for America, Inc.; St. Charles Townhomes Partners, LP; Beau Rivage Homes for America, LLC; St. Charles Homes for America, Inc.; Riviera-Homes for America Holdings, LLC f/k/a St. Rapheal-Homes for America, LLC; and Mediterranee-HFA, LLC f/k/a/ HFAH-Monaco, LLC to Comply With Subpoenas for the Production of Documents and in support thereof, respectfully states as following:

1. On February 12, 2008, the USACM Trust filed its Motion to Compel Homes for America Holdings, Inc. (“HFAH”); One Point Street, Inc.; Colt Gateway, LLC; HFAH Clear Lake, LLC; St. Tropez-Homes for America Holdings, LLC f/k/a Riviera-HFAH, LLC; St. Charles Homes for America, Inc.; St. Charles Townhomes Partners, LP; Beau Rivage Homes for America, LLC; St. Charles Homes for America, Inc.; Riviera-Homes for America Holdings, LLC f/k/a St. Rapheal-Homes for America, LLC; and Mediterranee-HFA, LLC f/k/a/ HFAH-Monaco, LLC to Comply With Subpoenas for the Production of Documents (the “Motion”) (Docket No.5823). The Motion is based on HFAH and HFAH Affiliates failure to produce all documents responsive to the various subpoenas served on them in August 2007 (collectively, the “Subpoenas”).

1 2. Over the course of several months following the service of the Subpoenas, HFAH
2 and HFAH Affiliates asked for numerous extensions and otherwise delayed the production.
3 During this time period, HFAH and HFAH Affiliates have only produced a fraction of the
4 responsive documents that they possess.

5 3. On April 13, 2008, the statutory tolling period of the statutes of limitations for the
6 USACM Trusts' various potential claims, including avoidance actions, expires. The USACM
7 Trust now faces this deadline without many key documents that HFAH and the HFAH Affiliates
8 possess. In analyzing what claims to file before this deadline, the USACM Trust expects that it
9 will require a significant amount of time to review the as of yet un-produced universe of
10 documents evidencing the dozens of loans and other advances of millions of dollars from
11 USACM and related entities to HFAH and the HFAH Affiliates.

12 4. As set forth more fully in the Motion, the documents requested in the Subpoenas,
13 include accounting records, bank records, and other supporting documents that evidence the
14 millions of dollars of loans and other advances from USACM and related entities to HFAH and
15 the HFAH Affiliates. These documents are crucial to the USACM Trust's analysis of its potential
16 avoidance claims and other causes of action.

17 5. On February 21, 2008, there is an omnibus hearing setting in front of this Court at
18 9:30 a.m.

19 6. In light of the facts described above, The Trust seeks an order from the Court
20 shortening time to hear the Motion on February 21, 2008 at 9:30 a.m.

21 7. The Court can shorten notice pursuant to Federal Rule of Bankruptcy Procedure
22 9006(c)(1) and Bankruptcy Local Rule 9006(a).

1 Dated: February 12, 2008

2 **DIAMOND MCCARTHY LLP**

LEWIS AND ROCA LLP

3
4 By: /s/ Michael J. Yoder

By: /s/ Rob Charles

5 Allan B. Diamond, TX 05801800 (pro hac vice)

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10 *Special Litigation Counsel for*

Counsel for USACM Liquidating Trust

11 *USACM Liquidating Trust*

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CERTIFICATE OF SERVICE

I hereby certify that I am employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 12TH day of February 2008, a true and correct copy of the USACM LIQUIDATING TRUST'S EX PARTE MOTION FOR ORDER SHORTENING TIME TO HEAR MOTION TO COMPEL HOMES FOR AMERICA HOLDINGS, INC. ("HFAH"); ONE POINT STREET, INC.; COLT GATEWAY, LLC; HFAH CLEAR LAKE, LLC; ST. TROPEZ-HOMES FOR AMERICA HOLDINGS, LLC F/K/A RIVIERA-HFAH, LLC; ST. CHARLES TOWNHOMES PARTNERS, LP; BEAU RIVAGE HOMES FOR AMERICA, LLC; ST. CHARLES HOMES FOR AMERICA, INC.; RIVIERA- HOMES FOR AMERICA HOLDINGS, LLC F/K/A ST. RAPHEAL-HOMES FOR AMERICA, LLC; AND MEDITERRANEE-HFA, LLC F/K/A HFAH-MONACO, LLC TO COMPLY WITH SUBPOENAS FOR PRODUCTION OF DOCUMENTS was served by electronic and facsimile delivery to Marc N. Parry, counsel for HFAH and the HFA entities at 917-206-4376, [.mparry@mosessinger.com](mailto:mparry@mosessinger.com).

/s/ Catherine A. Burrow
Catherine A. Burrow
Legal Assistant
Diamond McCarthy LLP